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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Takashi Hanamoto

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EXAMINER

MENBERU, BENIYAM

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/620,688	Applicant(s) HANAMOTO, TAKASHI	
	Examiner BENIYAM MENBERU	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/14/2008</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 11, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 20 discloses "A computer-readable medium". The original disclosure does not disclose a **computer-readable medium** as evident in page 1, lines 9-12; page 3, lines 18-20; page 5, lines 12-24.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 12, 14, 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0122194 A1 to

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Kuwata et al in view of U.S. Patent Application Publication No. US 2003/0176281 A1 to Hultgren further in view of U.S. Patent No. 6198553 to Yamamoto et al.

Regarding claim 11, Kuwata et al '194 discloses an image processing method comprising the steps of:

selecting a color space conversion condition from among plural color space conversion conditions, including first and second color space conversion conditions (page 4, paragraph 55, page 5, paragraph 67; sRGB (first color space) or NTSC color space (second color space) condition), in accordance with the determination result obtained in said determining step (page 3, paragraph 39, 40, 41, 42; “color space parameter” determines the color space used.); and

performing the color space conversion on the input image data, by using the selected color space conversion condition (page 5, paragraph 67),

wherein a first color space corresponding to the first color space conversion condition is different from a second color space corresponding to the second color space conversion condition (page 4, paragraph 55, page 5, paragraph 67; sRGB is different from NTSC color space), the second color space has a color gamut wider than the first color space (NTSC color space (second color space) is wider than sRGB (first color space); page 4, paragraph 55). However Kuwata et al '194 does not disclose determining whether or not input image data represents an image of a person as a subject of the image;

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wherein, in a case where it is determined that the input image data represents the image of the person as the subject of the image, the first color space conversion condition is selected.

Hultgren '281 discloses determining whether or not input image data represents an image of a person as a subject of the image; wherein, in a case where it is determined that the input image data represents the image of the person as the subject of the image, the first color space conversion condition is selected (Figure 5 shows image with person; page 3, paragraph 37, 38, 39, 40, 41, 44; images with fleshtones are reproduced using selected two color dyes such as red, cyan; the red-cyan is a first color space; page 3, paragraph 45-47 first color space conversion from sRGB to two-color system (red-cyan color space) is chosen for images of flesh tones by mapping (page 4, paragraph 54; page 5, paragraph 59, 60; pages 2-3 paragraph 34; For other types of images second color conversion is selected to second color space of blue-yellow color space); thus the first color space corresponding to red-cyan color space is different from the second color space blue-yellow color space).

Having the system of **Kuwata et al '194** and then given the well-established teaching of **Hultgren '281**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Kuwata et al '194** as taught by **Hultgren '281**, since **Hultgren '281** stated in page 1, paragraph 8, 9, 10, such a modification would provide precise printing of images corresponding to flesh tones.

Kuwata et al '194 discloses that the number of bits of the image data converted by using the first color space (sRGB) conversion condition is 8 bits (page 4, paragraph

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55, lines 8-9). However Kuwata et al '194 does not disclose wherein the number of bits of the image data converted by using the second color space conversion condition (NTSC color space conversion) is also 8 bits (i.e. same number of bits as the image data converted using the first color space conversion condition).

Yamamoto et al '553 discloses wherein the number of bits of the image data converted by using the second color space conversion condition (NTSC color space conversion) is 8 bits (column 19, lines 8-14; The converted NTSC image data is 8-bits).

Having the system of **Kuwata et al '194** and then given the well-established teaching of **Yamamoto et al '553**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Kuwata et al '194** as taught by **Yamamoto et al '553**, since **Yamamoto et al '553** stated in col. 19, Lines 8-17 (Figure 23, reference 20222), such a modification would provide 8-bit NTSC image data as needed by reference 20222 for further image processing for an RGB system.

Regarding claim 19, Kuwata et al '194 discloses an image processing apparatus comprising:

a selection unit adapted to select a color space conversion condition from among plural color space conversion conditions, including first and second color space conversion conditions (page 4, paragraph 55, 67; sRGB or NTSC color space condition), in accordance with the determination result provided by said determination unit (page 3, paragraph 39, 40, 41, 42; "color space parameter" determines the color space used.); and

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a color space conversion unit adapted to perform the color space conversion on the input image data, by using the selected color space conversion condition (page 5, paragraph 67; One of conversion to NTSC, sRGB, and extended sRGB color space is selected.),

wherein a first color space corresponding to the first color space conversion condition is different from a second color space corresponding to the second color space conversion (page 4, paragraph 55, page 5, paragraph 67; sRGB is different from NTSC color space), the second color space has a color gamut wider than the first color space (NTSC color space (second color space) is wider than sRGB (first color space); page 4, paragraph 55). Kuwata et al '194 discloses that the number of bits of the image data converted by using the first color space (sRGB) conversion condition is 8 bits (page 4, paragraph 55, lines 8-9). However Kuwata et al '194 does not disclose wherein the number of bits of the image data converted by using the second color space conversion condition (NTSC color space conversion) is also 8 bits (i.e. same number of bits as the image data converted using the first color space conversion condition).

Yamamoto et al '553 discloses wherein the number of bits of the image data converted by using the second color space conversion condition (NTSC color space conversion) is 8 bits (column 19, lines 8-14; The converted NTSC image data is 8-bits).

Having the system of **Kuwata et al '194** and then given the well-established teaching of **Yamamoto et al '553**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Kuwata et al '194**

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as taught by ***Yamamoto et al '553***, since ***Yamamoto et al '553*** stated in col. 19, Lines 8-17 (Figure 23, reference 20222), such a modification would provide 8-bit NTSC image data as needed by reference 20222 for further image processing for an RGB system.

However Kuwata et al '194 does not disclose a determination unit adapted to determine whether or not input image data represents an image of a person as a subject of the image; wherein, in a case where it is determined by said determination unit that the input image data represents the image of the person as the subject of the image, the first color space conversion condition is selected.

Hultgren '281 discloses a determination unit adapted to determine whether or not input image data represents an image of a person as a subject of the image; wherein, in a case where it is determined by said determination unit that the input image data represents the image of the person as the subject of the image, the first color space conversion condition is selected (Figure 5 shows image with person; page 3, paragraph 37, 38, 39, 40, 41, 44; images with fleshtones are reproduced using selected two color dyes such as red, cyan; the red-cyan is a first color space; page 3, paragraph 45-47 first color space conversion from sRGB to two-color system (red-cyan color space) is chosen for images of flesh tones by mapping (page 4, paragraph 54; page 5, paragraph 59, 60; pages 2-3 paragraph 34; For other types of images second color conversion is selected to second color space of blue-yellow color space); thus the first color space corresponding to red-cyan color space is different from the second color space blue-yellow color space).

Having the system of **Kuwata et al '194** and then given the well-established teaching of **Hultgren '281**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Kuwata et al '194** as taught by **Hultgren '281**, since **Hultgren '281** stated in page 1, paragraph 8, 9, 10, such a modification would provide precise printing of images corresponding to flesh tones.

Regarding claim 12, Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553 teaches all the limitations of claim 11. Further Kuwata et al '194 discloses an image processing method according to Claim 11, wherein a first color space is an sRGB color space (page 5, paragraph 67).

Regarding claim 14, Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553 teaches all the limitations of claim 11. Further Kuwata et al '194 discloses an image processing method according to Claim 11, wherein said determining step is performed based on photographing mode information of the input image data (page 3, paragraph 40; "attribute information").

Regarding claim 18, Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553 teaches all the limitations of claim 11. Further Kuwata et al '194 discloses an image processing method according to Claim 11, further comprising the step of performing an image correction on the image data that has been subjected to a color space conversion (page 5, paragraph 68; "gamma correction").

Regarding claim 20 (see Kuwata et al '194: page 2, paragraph 23; "recording medium"), see the rejection of claim 11 as shown above. The method of Kuwata et al

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'194 in view of Hultgren '281 further in view of Yamamoto et al '553 renders obvious the programming steps of claim 20.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0122194 A1 to Kuwata et al in view of U.S. Patent Application Publication No. US 2003/0176281 A1 to Hultgren further in view of U.S. Patent No. 6198553 to Yamamoto et al further in view of U.S. Patent No. 6975437 to Takemoto.

Regarding claim 15, Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553 teaches all the limitations of claim 11. However Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553 does not disclose wherein said determining step is performed based on flash information of the input image data.

Takemoto '437 discloses wherein said determining step is performed based on flash information of the input image data (column 5, lines 50-57).

Having the system of **Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553** and then given the well-established teaching of **Takemoto '437**, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of **Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553** as taught by **Takemoto '437**, since **Takemoto '437** stated in column 6, lines 3-12, such a modification would provide the flash information needed to specify the right tone curve for the image processing.

6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0122194 A1 to Kuwata et al in view of U.S. Patent Application Publication No. US 2003/0176281 A1 to Hultgren further in view of U.S. Patent No. 6198553 to Yamamoto et al further in view of U.S. Patent No. 6629107 to Ouchi et al.

Regarding claim 16, Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553 teaches all the limitations of claim 11. However Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553 does not disclose an image processing method according to Claim 11, wherein said determining step is performed based on keyword information of the input image data.

Ouchi et al '107 disclose wherein said determining step is performed based on keyword information of the input image data (column 8, lines 10-14, 44-67; column 9, lines 1-16; The reference 10 extracts person name which is the keyword information of the input image data. The person name is associated with the face information.).

Having the system of ***Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553*** and then given the well-established teaching of ***Ouchi et al '107***, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of ***Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553*** as taught by ***Ouchi et al '107***, since ***Ouchi et al '107*** stated in column 8, lines 44-65, such a modification would provide a method for identifying personal data objects in images.

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Regarding claim 17, Kuwata et al '194 in view of Hultgren '281 further in view of Yamamoto et al '553 further in view of Ouchi et al '107 teaches all the limitations of claim 16. Further Ouchi et al '107 discloses an image processing method according to Claim 16, wherein a face recognition process is performed on the input image data (column 8, lines 65-67; column 9, lines 1-7;), and said determining step is performed based on a result of the face recognition process (column 9, lines 1-17; The person's name information is determined to be associated with the face information that was extracted.).

Other Prior Art Cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 7333136 to Takemoto discloses color conversion.

U.S. Patent No. 6940545 to Ray et al disclose image detection.

U.S. Patent No. 6711286 to Chen et al disclose pixel processing system.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENIYAM MENBERU whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

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Examiner, Art Unit 2625

01/12/2009

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625